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# International Traffic in Arms

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LAWS AND REGULATIONS  
ADMINISTERED BY THE SECRETARY OF STATE  
GOVERNING THE INTERNATIONAL TRAFFIC IN  
ARMS, AMMUNITION, AND IMPLEMENTS OF  
WAR AND OTHER MUNITIONS OF WAR

Fifth Edition

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THE DEPARTMENT OF STATE

# International Traffic in Arms

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UNIVERSITY OF ILLINOIS

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## INTRODUCTORY STATEMENT

The Secretary of State announces that the regulations contained herein supersede, as of this date, all previous regulations administered by him governing the international traffic in arms, ammunition, and implements of war, and other munitions of war.

*April 1, 1938.*





## INTERNATIONAL TRAFFIC IN ARMS

LAWS AND REGULATIONS ADMINISTERED BY THE SECRETARY OF STATE GOVERNING THE INTERNATIONAL TRAFFIC IN ARMS, AMMUNITION, AND IMPLEMENTS OF WAR, AND OTHER MUNITIONS OF WAR

### Part I

SECTION 5 OF THE JOINT RESOLUTION APPROVED BY THE PRESIDENT MAY 1, 1937, AMENDING THE JOINT RESOLUTION OF AUGUST 31, 1935

Section 5 of the joint resolution approved by the President on May 1, 1937, amending the joint resolution of August 31, 1935, reads as follows:

"SEC. 5. (a) There is hereby established a National Munitions Control Board (hereinafter referred to as the 'Board') to carry out the provisions of this Act. The Board shall consist of the Secretary of State, who shall be chairman and executive officer of the Board, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce. Except as otherwise provided in this Act, or by other law, the administration of this Act is vested in the Department of State. The Secretary of State shall promulgate such rules and regulations with regard to the enforcement of this section as he may deem necessary to carry out its provisions. The Board shall be convened by the chairman and shall hold at least one meeting a year.

"(b) Every person who engages in the business of manufacturing, exporting, or importing any of the arms, ammunition, or implements of war referred to in this Act, whether as an exporter, importer, manufacturer, or dealer, shall register with the Secretary of State his name, or business name, principal place of business, and places of business in the United States, and a list of the arms, ammunition, and implements of war which he manufactures, imports, or exports.

"(c) Every person required to register under this section shall notify the Secretary of State of any change in the arms, ammunition, or implements of war which he exports, imports, or manufactures; and upon such notification the Secretary of State shall issue to such person an amended certificate of registration, free of charge, which shall remain valid until the date of expiration of the original certificate. Every person required to register under the provisions of this section shall pay a registration fee of \$500, unless he manufactured, exported, or imported arms, ammunition, and implements of war to a total sales value of less than \$50,000 during the twelve months immediately preceding his registration, in which case he shall pay a registration fee of \$100. Upon receipt of the required registration fee, the Secretary

of State shall issue a registration certificate valid for five years, which shall be renewable for further periods of five years upon the payment for each renewal of a fee of \$500 in the case of persons who manufactured, exported, or imported arms, ammunition, and implements of war to a total sales value of more than \$50,000 during the twelve months immediately preceding the renewal, or a fee of \$100 in the case of persons who manufactured, exported, or imported arms, ammunition, and implements of war to a total sales value of less than \$50,000 during the twelve months immediately preceding the renewal. The Secretary of the Treasury is hereby directed to refund, out of any moneys in the Treasury not otherwise appropriated, the sum of \$400 to every person who shall have paid a registration fee of \$500 pursuant to this Act, who manufactured, exported, or imported arms, ammunition, and implements of war to a total sales value of less than \$50,000 during the twelve months immediately preceding his registration.

“(d) It shall be unlawful for any person to export, or attempt to export, from the United States to any other state, any of the arms, ammunition, or implements of war referred to in this Act, or to import, or attempt to import, to the United States from any other state, any of the arms, ammunition, or implements of war referred to in this Act, without first having obtained a license therefor.

“(e) All persons required to register under this section shall maintain, subject to the inspection of the Secretary of State, or any person or persons designated by him, such permanent records of manufacture for export, importation, and exportation of arms, ammunition, and implements of war as the Secretary of State shall prescribe.

“(f) Licenses shall be issued to persons who have registered as herein provided for, except in cases of export or import licenses where the export of arms, ammunition, or implements of war would be in violation of this Act or any other law of the United States, or of a treaty to which the United States is a party, in which cases such licenses shall not be issued.

“(g) Whenever the President shall have issued a proclamation under the authority of section 1 of this Act, all licenses theretofore issued under this Act shall *ipso facto* and immediately upon the issuance of such proclamation, cease to grant authority to export arms, ammunition, or implements of war from any place in the United States to any belligerent state, or to any state wherein civil strife exists, named in such proclamation, or to any neutral state for transshipment to, or for the use of, any such belligerent state or any such state wherein civil strife exists; and said licenses, insofar as the grant of authority to export to the state or states named in such proclamation is concerned, shall be null and void.

“(h) No purchase of arms, ammunition, or implements of war shall be made on behalf of the United States by any officer, executive department, or independent establishment of the Government from any person who shall have failed to register under the provisions of this Act.

“(i) The provisions of the Act of August 29, 1916, relating to the sale of ordnance and stores to the Government of Cuba (39 Stat. 619, 643; U. S. C., 1934 ed., title 50, sec. 72), are hereby repealed as of December 31, 1937.

“(j) The Board shall make an annual report to Congress, copies of which shall be distributed as are other reports transmitted to Congress.

Such reports shall contain such information and data collected by the Board as may be considered of value in the determination of questions connected with the control of trade in arms, ammunition, and implements of war. The Board shall include in such reports a list of all persons required to register under the provisions of this Act, and full information concerning the licenses issued hereunder.

“(k) The President is hereby authorized to proclaim upon recommendation of the Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section.”

Section 1 of the same joint resolution reads in part as follows:

“(e) Whoever, in violation of any of the provisions of this Act, shall export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from the United States shall be fined not more than \$10,000, or imprisoned not more than five years, or both, and the property, vessel, or vehicle containing the same shall be subject to the provisions of sections 1 to 8, inclusive, title 6, chapter 30, of the Act approved June 15, 1917 (40 Stat. 223-225; U. S. C., 1934 ed., title 22, secs. 238-245).

“(f) In the case of the forfeiture of any arms, ammunition, or implements of war by reason of a violation of this Act, no public or private sale shall be required; but such arms, ammunition, or implements of war shall be delivered to the Secretary of War for such use or disposal thereof as shall be approved by the President of the United States.”

Section 12 of the same joint resolution reads as follows:

“SEC. 12. In every case of the violation of any of the provisions of this Act or of any rule or regulation issued pursuant thereto where a specific penalty is not herein provided, such violator or violators, upon conviction, shall be fined not more than \$10,000, or imprisoned not more than five years, or both.”

Section 13 of the same joint resolution reads as follows:

“SEC. 13. For the purposes of this Act—

“(a) The term ‘United States,’ when used in a geographical sense, includes the several States and Territories, the insular possessions of the United States (including the Philippine Islands), the Canal Zone, and the District of Columbia.

“(b) The term ‘person’ includes a partnership, company, association, or corporation, as well as a natural person.

“(c) The term ‘vessel’ means every description of watercraft (including aircraft) or other contrivance used, or capable of being used, as a means of transportation on, under, or over water.

“(d) The term ‘American vessel’ means any vessel (including aircraft) documented under the laws of the United States.

“(e) The term ‘vehicle’ means every description of carriage (including aircraft) or other contrivance used, or capable of being used, as a means of transportation on or over land.

“(f) The term ‘state’ shall include nation, government, and country.”



## Part II

## THE PRESIDENT'S PROCLAMATION OF MAY 1, 1937

The President's proclamation of May 1, 1937, issued pursuant to section 5 of the joint resolution of May 1, 1937, amending the joint resolution of August 31, 1935, reads as follows:

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

WHEREAS section 5 of the joint resolution of Congress approved May 1, 1937, amending the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war," approved August 31, 1935, as amended February 29, 1936, provides in part as follows:

"The President is hereby authorized to proclaim upon recommendation of the Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section."

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred upon me by the said joint resolution of Congress, and pursuant to the recommendation of the National Munitions Control Board, declare and proclaim that the articles listed below shall, on and after June 1, 1937, be considered arms, ammunition, and implements of war for the purposes of section 5 of the said joint resolution of Congress:

*Category I*

(1) Rifles and carbines using ammunition in excess of caliber .22, and barrels for those weapons;

(2) Machine guns, automatic or autoloading rifles, and machine pistols using ammunition in excess of caliber .22, and barrels for those weapons;

(3) Guns, howitzers, and mortars of all calibers, their mountings and barrels;

(4) Ammunition in excess of caliber .22 for the arms enumerated under (1) and (2) above, and cartridge cases or bullets for such ammunition; filled and unfilled projectiles for the arms enumerated under (3) above;

(5) Grenades, bombs, torpedoes, mines and depth charges, filled or unfilled, and apparatus for their use or discharge;

(6) Tanks, military armored vehicles, and armored trains.

### *Category II*

Vessels of war of all kinds, including aircraft carriers and submarines, and armor plate for such vessels.

### *Category III*

(1) Aircraft, unassembled, assembled, or dismantled, both heavier and lighter than air, which are designed, adapted, and intended for aerial combat by the use of machine guns or of artillery or for the carrying and dropping of bombs, or which are equipped with, or which by reason of design or construction are prepared for, any of the appliances referred to in paragraph (2) below;

(2) Aerial gun mounts and frames, bomb racks, torpedo carriers, and bomb or torpedo release mechanisms.

### *Category IV*

(1) Revolvers and automatic pistols using ammunition in excess of caliber .22;

(2) Ammunition in excess of caliber .22 for the arms enumerated under (1) above, and cartridge cases or bullets for such ammunition.

### *Category V*

(1) Aircraft, unassembled, assembled or dismantled, both heavier and lighter than air, other than those included in Category III;

(2) Propellers or air screws, fuselages, hulls, wings, tail units, and under-carriage units;

(3) Aircraft engines, unassembled, assembled, or dismantled.

### *Category VI*

(1) Livens projectors and flame throwers;

(2) a. Mustard gas (dichlorethyl sulphide);

b. Lewisite (chlorvinylchlorarsine and dichlorovinylchlorarsine);

c. Methylchlorarsine;

d. Diphenylchlorarsine;

e. Diphenylethylarsine;

f. Diphenylaminechlorarsine;

g. Phenylchlorarsine;

h. Ethylchlorarsine;

i. Phenyldibromarsine;

j. Ethyldibromarsine;

k. Phosgene;

l. Monochloromethylchlorformate;

m. Trichloromethylchlorformate (diphosgene);

n. Dichlorodimethyl Ether;

o. Dibromodimethyl Ether;

p. Cyanogen Chloride;

q. Ethylbromacetate;

r. Ethyliodoacetate;

s. Brombenzylcyanide;

t. Bromacetone;

u. Brommethyl ethyl ketone.

*Category VII*

- (1) Propellant powders;
- (2) High explosives as follows:
  - a. Nitrocellulose having a nitrogen content of more than 12%;
  - b. Trinitrotoluene;
  - c. Trinitroxylenes;
  - d. Tetryl (trinitrophenol methyl nitramine or tetranitromethylaniline);
  - e. Picric acid;
  - f. Ammonium picrate;
  - g. Trinitroanisole;
  - h. Trinitronaphthalene;
  - i. Tetranitronaphthalene;
  - j. Hexanitrodiphenylamine;
  - k. Pentaerythritetetranitrate (Penthrate or Pentrite);
  - l. Trimethylenetrinitramine (Hexogen or T<sub>4</sub>);
  - m. Potassium nitrate powders (black saltpeter powder);
  - n. Sodium nitrate powders (black soda powder);
  - o. Amatol (mixture of ammonium nitrate and trinitrotoluene);
  - p. Ammonal (mixture of ammonium nitrate, trinitrotoluene, and powdered aluminum, with or without other ingredients);
  - q. Schneiderite (mixture of ammonium nitrate and dinitronaphthalene, with or without other ingredients).

This proclamation shall supersede the proclamation of April 10, 1936, entitled "Enumeration of Arms, Ammunition, and Implements of War," on June 1, 1937.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this first day of May, in the year of our Lord nineteen hundred and thirty-seven, and of the Independence of the United States of America the one hundred and sixty-first.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

## Part III

### GENERAL REGULATIONS

In compliance with that paragraph of section 5 of the joint resolution approved May 1, 1937, amending the joint resolution of August 31, 1935, which requires the Secretary of State to promulgate such rules and regulations with regard to the enforcement of that section as he may deem necessary to carry out its provisions, the Secretary of State promulgates the following regulations:

(1) All persons engaged in the business of manufacturing, exporting, or importing any of the arms, ammunition, or implements of war enumerated in the President's proclamation of May 1, 1937, shall register with the Secretary of State by duly filling out and transmitting to the Secretary of State an application for registration in the form printed below. The articles manufactured, exported, or imported shall be listed on the application for registration under the same categories and in precisely the same terms in which they are listed in the President's proclamation of May 1, 1937. Applications for registration must be signed and sworn to in the presence of a notary public before they are transmitted to the Secretary of State.

REGISTRATION NUMBER

(Not to be filled in by the applicant)

## United States of America

DEPARTMENT OF STATE

### APPLICATION FOR REGISTRATION

**Persons Engaged in the Business of Manufacturing, Exporting, or Importing Arms, Ammunition, or Implements of War, Pursuant to Section 5 of the Joint Resolution of Congress Approved by the President May 1, 1937, Amending the Joint Resolution of August 31, 1935.**

(The applicant shall fill in all of the following spaces)

(1) Name of person (the term "person" includes a partnership, company, association, or corporation, as well as a natural person):

(2) Principal place of business:

(3) Other places of business in the United States:

- (4) The applicant is engaged in the <sup>{manufacture}</sup><sub>{importation}</sub><sub>{exportation}</sub> of arms, ammunition, or implements of war. (Strike out the designation or designations not applicable to the business of the applicant.)
- (5) List of the arms, ammunition, and implements of war manufactured, imported, or exported. (The articles manufactured, imported, or exported shall be listed under the following categories in precisely the same terms in which they are listed in the President's proclamation of May 1, 1937.)

Category 1



Category II

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Category III

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Category IV

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Category V

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Category VI

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Category VII

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The above list includes all articles defined as arms, ammunition, and implements of war by the President's proclamation of May 1, 1937, which are manufactured, imported, or exported by the undersigned.

-----  
(Signature)

(If the applicant is a partnership, company, association, or corporation, the signature shall be that of its duly authorized representative.)

Signed and sealed in my presence this ----- day of -----, 19-----.

-----  
(Notary public)

The registration fee of <sup>(\$100)</sup><sub>(\$500)</sub> is transmitted herewith in the form of <sup>{certified check}</sup><sub>{money orders}</sub> -----  
(Checks should be made payable to the order of the Secretary of State.)

-----  
(Perforation)



REGISTRATION NUMBER

(Not to be filled in by the applicant)

# United States of America

DEPARTMENT OF STATE

## CERTIFICATE OF REGISTRATION

**Persons Engaged in the Business of Manufacturing, Exporting, or Importing Arms, Ammunition, or Implements of War, Pursuant to Section 5 of the Joint Resolution of Congress Approved by the President May 1, 1937, Amending the Joint Resolution of August 31, 1935.**

(The applicant shall fill in all of the following spaces)

(1) Name of person (the term "person" includes a partnership, company, association, or corporation as well as a natural person):

(2) Principal place of business:

(3) Other places of business in the United States:

(4) The applicant is engaged in the 

{	manufacture	}
{	importation	}
{	exportation	}

 of arms, ammunition, or implements of war. (Strike out the designation or designations not applicable to the business of the applicant.)

(5) List of the arms, ammunition, and implements of war manufactured, imported, or exported. (The articles manufactured, imported, or exported shall be listed under the following categories in precisely the same terms in which they are listed in the President's proclamation of May 1, 1937.)

*Category I*

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*Category II*

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*Category III*

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*Category IV*

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*Category V*

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Category VI

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Category VII

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(These spaces are not to be filled in by the applicant)

This certifies that the person named above has registered in compliance with the provisions of the joint resolution of Congress approved May 1, 1937, amending the joint resolution of August 31, 1935, and has paid the required registration fee of \$100 or \$500, as the case may be. This certificate is valid for a period of 5 years from -----

FOR THE SECRETARY OF STATE:

(SEAL)

By -----

(2) Applications for registration transmitted to the Secretary of State must be accompanied by a registration fee in the form of money orders or a certified check. This fee is in the amount of \$100 for persons who have not manufactured, exported, or imported arms, ammunition, or implements of war, as enumerated in the President's proclamation of May 1, 1937, to a total sales value of more than \$50,000 during the 12 months immediately preceding their application for registration, and in the amount of \$500 for persons who have manufactured, exported, or imported arms, ammunition, or implements of war, as enumerated, to a total sales value of more than \$50,000 during the 12 months immediately preceding their application. Persons paying a fee of \$100 shall submit with their application for registration an affidavit, signed and sworn to before a notary public by a responsible officer of the company, stating that the company did not manufacture, export, or import arms, ammunition, or implements of war, as enumerated in the President's proclamation of May 1, 1937, to a total sales value of more than \$50,000 during the 12 months immediately preceding the application for registration and setting forth such evidence in substantiation of this affirmation as may seem appropriate.

(3) Upon receipt of an application for registration and the appended certificate of registration, duly filled out and accompanied by a registration fee of \$100 or \$500, as the case may be, and by a satisfactory affidavit as described above in the case of persons paying a fee of \$100, the Secretary of State will return to the applicant, as a receipt, the certificate of registration, duly signed and sealed. This certificate of registration must be conspicuously displayed at the principal place of business of the person registered.

(4) Manufacturers, exporters, and importers of component parts of the articles or units enumerated in the President's proclamation of May 1, 1937, but not of a complete article or unit listed in that proclamation, are not required to register under the joint resolution. Aircraft wheels and aircraft propeller blades are, however, considered as constituting to such an unusual degree the main body of aircraft under-carriage units and aircraft propellers that the manufacture, export, or import of such wheels or blades alone is held to subject the manufacturer, exporter, or importer to the requirement of registration.

(5) Every person registered shall notify the Secretary of State of any change in the list of arms, ammunition, and implements of war which he manufactures, exports, or imports, and, upon such notification, the Secretary of State will issue to such person an amended certificate of registration free of charge, which will remain valid until the date of expiration of the original certificate issued to him.

(6) The production for experimental or scientific purposes, when such production is not followed by sale, of the appliances and substances included in category VI, or of single units of other arms, ammunition, and implements of war, is not considered as manufacture for the purposes of section 5 of the joint resolution.

(7) Persons who are not engaged in the business of exporting or importing arms, ammunition, or implements of war, but who, either for their own personal use or as forwarding agents for persons who are engaged in this business, or, in exceptional circumstances, in other capacities, may make or receive occasional shipments of such articles, will not be considered as exporters or importers of arms, ammunition, and implements of war within the meaning of section 5 of the joint resolution.

(8) The provisions of these regulations shall be considered as binding in addition to, and not in lieu of, those established under the act known as the National Firearms Act (48 Stat. 1236), approved by the President June 26, 1934. This act imposes certain taxes and restrictions upon the manufacture of, importation of, and commerce in certain firearms which are defined as "a shotgun or rifle having a barrel of less than eighteen inches in length, or any other weapon, except a pistol or revolver, from which a shot is discharged by an explosive if such weapon is capable of being concealed on the person, or a machine gun, and includes a muffler or silencer for any firearm whether or not such firearm is included within the foregoing definition." Rules and regulations for the enforcement of this act are prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury.

(9) No person not registered under section 5 of the joint resolution shall export or import any of the arms, ammunition, or implements of

war listed in the President's proclamation of May 1, 1937. All persons registered shall obtain from the Secretary of State a license to cover each shipment exported or imported. Blank forms of application for license similar to those printed below will be furnished by the Secretary of State upon request.

DEPARTMENT OF STATE

## United States of America

### APPLICATION FOR LICENSE TO EXPORT ARMS, AMMUNITION, OR IMPLEMENTS OF WAR

*(Application to be made in duplicate)*

**ORIGINAL**

APPLICANT'S REGISTRATION NO. ....	----- (Insert here name of country of destination)	LICENSE NO. .... (For official use only)
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#### GENERAL INSTRUCTIONS

- (a) One duplicate application should be made for each complete shipment to any one consignee and may cover more than one commodity, but may not cover shipments to more than one country.
- (b) Applications should be typewritten, with the exception of signature, but will be considered if written legibly in ink.
- (c) Where exact number of packages, weight, and value cannot be ascertained at the time of application, estimates should be given. Slight variations may be allowed.
- (d) Commodities appearing under (6) below should be listed under the number of the pertinent category and category subdivision of the President's proclamation of May 1, 1937, unless they are not covered by this proclamation. Each commodity listed should be designated clearly and specifically, the type and model designation being included whenever possible.
- (e) A separate value should be given under (9) below for each category, and for each subdivision of a category, which enters into the shipment covered by the application. Values listed should comprise the selling price only of the articles exported, and should not include such supplementary costs as packing, freight, etc.
- (f) Unsigned applications or applications which omit essential information called for in the numbered spaces will be returned.
- (g) Any attempt to export a commodity differing in any way from that licensed, or any alteration of a license in an attempt to export without a license, is punishable under appropriate acts of Congress.
- (h) When countersigned and impressed with the seal of the Department of State this application becomes a license.



(2) Applicant's Reference No. \_\_\_\_\_

(3) Name of applicant \_\_\_\_\_ By \_\_\_\_\_

-----  
(To be signed in ink)

Name..... Nationality.....

(4) Consignee in foreign country-- } Address { Street----- } State or province-----

Address—{ City ..... { Country .....

(5) Purchaser in foreign country } Name \_\_\_\_\_ Nationality \_\_\_\_\_  
 (Street \_\_\_\_\_ (State or province \_\_\_\_\_

[illegible]

\_\_\_\_\_ (Address) \_\_\_\_\_ (City) \_\_\_\_\_ (Country) \_\_\_\_\_

(6) Commodity and quantity thereof (to be listed as indicated under instruction (d))	(7) Number of articles	(8) Approximate gross weight	(9) Approximate net value

(10) State the specific purpose for which the material is required:

-----

(11) License to be sent to \_\_\_\_\_ fName\_\_\_\_\_

(11) License to be sent to-----{Address: Street----- City----- State-----

(10) General Information: Name \_\_\_\_\_ Nationality \_\_\_\_\_

(12) Consignor in United States -- } Address: Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_  
 } Nature of business \_\_\_\_\_

(12) Port of exit in the United States from which it is proposed to export the shipment

(13) Port of exit in the United States from which it is proposed to export the shipment.....  
License is hereby granted to the applicant mentioned herein to export from the United States of America.....

License is hereby granted to the applicant mentioned herein to export from the United States of America to \_\_\_\_\_ the commodity as described and in the quantity given, on the

to ----- the commodity as described and in the quantity given, on the following terms and conditions:

This license is not transferable and is **subject to revocation without notice.**

Shipment must be made from port of exit within 1 year from date of this license as given below under the

seal of the Department.

Export licenses must be filed with the collector of customs at the port from which the shipment is departing from the United States at least 24 hours before the proposed departure and, in the case of shipment by

ing from the United States at least 24 hours before the proposed departure and, in the case of shipment by a seagoing vessel, 24 hours before the loading of the vessel.

If partial shipments are made on this license, endorsements by the collectors of customs will be made

If partial shipments are made on this license, endorsements by the collectors of customs will be made below.

After all of the articles or commodities listed under (6) above have been exported, the collector of customs should write the word "Completed" under that paragraph and return the license to the Secretary of State. Should the license expire or be revoked before the shipment has been completed, or should the exporter state that he does not desire to complete the shipment, the collector should note, in the space immediately above, the articles which have been shipped under the license and should then return it to the Secretary of State.

(For official use only)

FOR THE SECRETARY OF STATE:

By \_\_\_\_\_

(For official use only)

United States of America

*(Application to be made in duplicate)*

**ORIGINAL**

## GENERAL INSTRUCTIONS

- (a) One duplicate application should be made for each complete shipment imported and may cover more than one commodity, but may not cover shipments from more than one country.
- (b) Applications should be typewritten, with the exception of signature, but will be considered if written legibly in ink.
- (c) Where exact number of packages, weight, and value cannot be ascertained at the time of application, estimates should be given. Slight variations may be allowed.
- (d) Commodities appearing under (6) below should be listed under the number of the pertinent category or category subdivision of the President's proclamation of May 1, 1937. Each commodity listed should be designated clearly and specifically.
- (e) A separate value should be given under (9) below for each category, and for each subdivision of a category, which enters into the shipment covered by the application. Values listed should comprise the cost of the article imported only, and should not include such supplementary costs as packing, freight, etc.
- (f) Unsigned applications or applications which omit essential information called for in the numbered spaces will be returned.
- (g) Any attempt to import a commodity differing in any way from that licensed, or any alteration of a license in an attempt to import without a license, is punishable under appropriate acts of Congress.
- (h) When countersigned and impressed with the seal of the Department of State this application becomes a license.

(1) Date of application \_\_\_\_\_  
(2) Applicant's Reference No. \_\_\_\_\_

(3) Name of applicant..... By.....  
(To be signed in ink)

(10 to be signed in ink)

(4) Consignor in foreign country { Name \_\_\_\_\_ Nationality \_\_\_\_\_  
 { Address { Street \_\_\_\_\_ State or province \_\_\_\_\_  
 { City \_\_\_\_\_ Country \_\_\_\_\_

(5) Seller in foreign country { Name \_\_\_\_\_ Nationality \_\_\_\_\_  
 { Address { Street \_\_\_\_\_ State or province \_\_\_\_\_  
 { City \_\_\_\_\_ Country \_\_\_\_\_

(6) Commodity and quantity thereof (to be listed as indicated under instruction (d))	(7) Number of articles	(8) Approximate gross weight	(9) Approximate net value

(10) State the specific purpose for which the material is required:

(11) License to be sent to -----	Name -----	City -----	State -----
	Address: Street -----	Nationality -----	
(12) Consignee in United States -----	Name -----	City -----	State -----
	Address: Street -----		
	Nature of business -----		

License is hereby granted to the applicant mentioned herein to import into the United States of America from \_\_\_\_\_ the commodity as described and in the quantity given, on the following terms and conditions:

This license is not transferable and is **subject to revocation without notice.**

Shipment must be received at the port of entry within 1 year from date of this license as given below under the seal of the Department.

If partial shipments are received on this license, endorsements by the collectors of customs will be made below.





(15) The country designated on the application for license to export as the country of destination should, in each case, be the country of ultimate destination. If the goods to be exported are consigned to one country, with the intention that they be transshipped thence to another country, the latter country should be named as the country of destination. If the country of ultimate destination cannot be ascertained at the time the application for export license is made, the country of initial destination may be named on the application as the country of destination. In such a case, however, the facts must be clearly explained and the Secretary of State must be informed of the ultimate destination by the exporter as soon as the latter has learned the country of ultimate destination of the shipment. The Secretary of State may refuse to grant an application for an export license until he is informed of the country of ultimate destination in order that he may assure himself that the license may be legally issued.

(16) The shipper's export declaration (customs form 7525) covering arms, ammunition, or implements of war for which an export license is required must contain the same information in regard to the nature and the value of the articles to be exported as that which appears on the application for license. If the person designated on the export declaration as the actual shipper of the goods is not the person to whom the export license has been issued by the Secretary of State, the name of this shipper should appear on the export license as that of the consignor in the United States.

(17) Applications for license to export arms, ammunition, and implements of war should state, whenever possible, the type and model designation of the article to be exported in order that the Secretary of State may determine, before issuing the license, that the provisions of Part V of these regulations would not be violated by the exportation of the article in question. If an application is submitted in which the articles to be exported are inadequately designated, it will be returned to the applicant for completion in this respect.

(18) The originals of licenses for the export and the import of arms, ammunition, and implements of war must be presented to the collector of customs at the port through which the shipment authorized by the license is being made. Export licenses and export declarations covering arms, ammunition, and implements of war must be filed with the appropriate collector of customs at least 24 hours before the proposed departure of the shipment from the United States, and, in the case of a shipment by a seagoing vessel, 24 hours before the lading of the vessel.

(19) Arms, ammunition, and implements of war covered by an export license must, when exported, be packed separately from all other goods.

(20) Export licenses for arms, ammunition, and implements of war which are shipped by parcel post must be presented to the postmaster at the post office at which the parcel is mailed.

(21) Articles entering or leaving a port of the United States, in transit through the territory of the United States to a foreign country, will not be considered as imported or exported within the meaning of section 5 of the joint resolution, unless they are destined to a country to which the exportation of arms, ammunition, and implements of war is prohibited.

(22) Persons who are registered as exporters or importers of arms, ammunition, or implements of war under section 5 of the joint resolution may make application for export or import licenses on behalf of persons who are not required to register under the joint resolution but who may, in accordance with the provisions of paragraph (7) above, desire to make or receive occasional shipments of arms, ammunition, or implements of war.

(23) Arms, ammunition, and implements of war which are more than 100 years old will not be considered as arms, ammunition, or implements of war within the meaning of section 5 of the joint resolution.

(24) Rifles, carbines, revolvers, and pistols entering the United States in single units for the individual use of the person to whom consigned will not be considered as imported within the meaning of section 5 of the joint resolution. (This does not relieve the consignee from the obligation to comply with such of the regulations prescribed by the Secretary of the Treasury under the National Firearms Act of June 26, 1934, referred to in (8) above, as may be applicable in the premises.)

(25) Arms and ammunition intended exclusively for sporting or scientific purposes or for personal protection, when entering or leaving the United States carried on the person of an individual or in his baggage, will not be considered as imported or exported within the meaning of section 5 of the joint resolution.

(26) The Government of the United States and its agencies are not "persons" within the meaning of that term as used in section 5 of the joint resolution and therefore no license is required for arms, ammunition, or implements of war imported or exported by them.

(27) Arms and implements of war which have been legally exported from the United States, and which are returned to the United States worn or damaged for repair and reexport, will not be considered as imported within the meaning of section 5 of the joint resolution. An export license must be obtained, however, before such articles are reexported.

(28) Licenses are required under the provisions of section 5 of the joint resolution for the export or the import of those articles only

which are specifically mentioned in the President's proclamation of May 1, 1937. No license is required for the export or the import of the component parts of the articles or units enumerated in that proclamation, except in cases where the export or import of such parts may reasonably be considered as involving, in fact, the export or import of a substantially complete article or unit in unassembled form. Aircraft wheels and aircraft propeller blades are, however, considered as constituting to such an unusual degree the main body of aircraft under-carriage units and aircraft propellers that a license is required for the export of wheels and propeller blades, even when they are shipped alone.

(29) Forgings and castings for any of the arms, ammunition, or implements of war enumerated in the President's proclamation of May 1, 1937, which have reached such a stage in manufacture that they are clearly identifiable as forgings or castings for arms, ammunition, and implements of war, are considered as constituting arms, ammunition, and implements of war for the purposes of section 5 of the joint resolution, and licenses will be required for their export or import.

(30) A license is required for the export of all articles listed in subsection (5) of category I of the President's proclamation of May 1, 1937, which are intended or adapted for war purposes. The fact that such an article, when exported, is filled with a nonlethal gas or fluid having a common nonmilitary use will be considered as *prima-facie* evidence that the article is not intended for war purposes. No license is required for the export of articles listed under subsection (5), even if exported empty, which are adapted and intended solely for nonmilitary use. Articles listed in subsection (5) will be considered *ipso facto* as intended or adapted for war purposes, unless when exported they either contain a nonlethal gas or fluid or can be proven to be adapted and intended solely for a specific nonmilitary use.

(31) The terms "propellant powders," as used in paragraph (1) of category VII of the President's proclamation of May 1, 1937, and "potassium nitrate powders" and "sodium nitrate powders," as used in paragraph (2) of that category apply to those powders in bulk form. They do not apply to such powders when enclosed in cartridges of types not enumerated in the proclamation, in pyrotechnics, in safety fuse, or in other similar devices. Licenses will not, therefore, be required for the export or import of such cartridges or devices, even though they may contain one of these powders.

(32) Aircraft flown or shipped from the United States for a temporary sojourn abroad will not be considered as exported within the meaning of section 5 of the joint resolution when it is the intention of their owners that they shall remain under United States registry and shall be operated by a United States licensed pilot during the



entire period of their sojourn abroad, and, further, when there is no intention on the part of their owners to dispose of them or of any of their essential parts listed in the President's proclamation of May 1, 1937, in any foreign country. It should be noted that the United States registry of an aircraft which is sold to an alien either in the United States or abroad is canceled automatically at the time of the sale under the Air Commerce Regulations of the Department of Commerce. Should the owners, after the departure of an aircraft flown or shipped from the United States without an export license, propose to place the aircraft under foreign registry or to have it operated by a pilot not holding a United States license, or to dispose of the aircraft or any of the essential parts referred to in any foreign country, the aircraft, or the part in question, must be returned to the United States and a license obtained for its export to the country concerned. Aircraft of American registry returning to the United States from foreign countries will not be considered as imported within the meaning of section 5 of the joint resolution. Aircraft of foreign registry entering the United States for a temporary sojourn or leaving the United States after such a sojourn will not be considered as imported or exported within the meaning of section 5 of the joint resolution.

(33) Before an aircraft of United States registry leaves the United States for a temporary sojourn abroad under the provisions of paragraph (32) hereof, that aircraft shall be registered with the customs authorities at the port of exit by the shipper or pilot. Such registration shall indicate the approximate date of return of the aircraft and the port of entry through which it is proposed to return the aircraft to the United States.

## Part IV

### RECORDS OF MANUFACTURE, EXPORT, AND IMPORT

The Secretary of State prescribes that all persons required to register under section 5 of the joint resolution approved May 1, 1937, amending the joint resolution of August 31, 1935, shall maintain, subject to the inspection of the duly authorized agents of the Secretary of State or of any other enforcement agency of the Government of the United States, and distinct from all other records, special permanent records in which shall be recorded the amounts and estimated values of the arms, ammunition, and implements of war manufactured by them for export, and similar records of all arms, ammunition, and implements of war imported or exported by them. The records of articles imported shall, in addition, contain information as to the consignors of articles imported and the port of origin of each shipment. The records of articles exported shall, in addition, contain information as to the consignees and the destination of each shipment.

## Part V

## SPECIAL PROVISIONS IN REGARD TO MILITARY SECRETS

Title I of the Espionage Act, approved June 15, 1917, reads in part as follows:

"Whoever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to, or aids or induces another to, communicate, deliver, or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, instrument, appliance, or information relating to the national defense, shall be punished by imprisonment for not more than twenty years . . ."

The Secretary of State will not issue a license authorizing the exportation of any arms, ammunition, or implements of war considered by the Secretary of War or by the Secretary of the Navy as instruments or appliances included among the articles covered by those terms as used in this act if, in their opinion, they involve military secrets of interest to the national defense. The articles which may be so considered are articles falling within one of the following categories:

"(a) Articles, the whole or any features of which have been or are being developed or manufactured by or for the War Department or the Navy Department or with the participation of either of those Departments; and

"(b) Articles, the whole or any features of which have been used or are being used by the War Department or the Navy Department or which either Department has contracted to procure."

Included among articles developed by or for the War Department or the Navy Department are articles the development of which has been contracted for by either of those departments, or which have been developed in accordance with Army or Navy specifications and submitted to either department for evaluation for procurement.

Prospective exporters of arms, ammunition, and implements of war should, before applying for a license to authorize the exportation of any article falling within the above categories which may possibly involve military secrets of interest to the national defense, communicate with the Secretary of State in advance of the proposed shipment in order that he may be in a position to ascertain for the prospective exporter whether or not military secrets are, in fact, involved therein.

## Part VI

SPECIAL PROVISIONS IN REGARD TO EXPORTATION TO CHINA, CUBA,  
HONDURAS, AND NICARAGUA

A joint resolution of Congress approved January 31, 1922, reads in part as follows:

" . . . That whenever the President finds that in any American country, or in any country in which the United States exercises extra-territorial jurisdiction, conditions of domestic violence exist, which are or may be promoted by the use of arms or munitions of war procured from the United States, and makes proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President prescribes, any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress.

"SEC. 2. Whoever exports any arms or munitions of war in violation of section 1 shall, on conviction, be punished by fine not exceeding \$10,000, or by imprisonment not exceeding two years, or both."

A convention between the United States of America and other American republics in regard to the duties and rights of states in the event of civil strife, signed at Habana, February 20, 1928, and ratified by the United States on May 21, 1930, reads in part as follows:

## "ARTICLE 1

"The contracting states bind themselves to observe the following rules with regard to civil strife in another one of them:

"3. To forbid the traffic in arms and war material, except when intended for the government, while the belligerency of the rebels has not been recognized, in which latter case the rules of neutrality shall be applied."

Pursuant to the authority conferred by the joint resolution of January 31, 1922, a Presidential proclamation, which is still in effect, was issued on March 4, 1922, in respect to China, as follows:

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

WHEREAS, Section I of a Joint Resolution of Congress, entitled a "Joint Resolution To prohibit the exportation of arms or munitions of war from the United States to certain countries, and for other purposes," approved January 31, 1922, provides as follows:

"That whenever the President finds that in any American country, or in any country in which the United States exercises extraterritorial jurisdiction, conditions of domestic violence exist, which are or may be promoted by the use of arms or munitions



of war procured from the United States, and makes proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President prescribes, any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress."

And whereas, it is provided by Section II of the said Joint Resolution that "Whoever exports any arms or munitions of war in violation of section 1 shall on conviction, be punished by fine not exceeding \$10,000, or by imprisonment not exceeding two years, or both."

Now, therefore, I, Warren G. Harding, President of the United States of America, acting under and by virtue of the authority conferred in me by the said Joint Resolution of Congress, do hereby declare and proclaim that I have found that there exist in China such conditions of domestic violence which are or may be promoted by the use of arms or munitions of war procured from the United States as contemplated by the said Joint Resolution; and I do hereby admonish all citizens of the United States and every person to abstain from every violation of the provisions of the Joint Resolution above set forth, hereby made applicable to China, and I do hereby warn them that all violations of such provisions will be rigorously prosecuted.

And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said Joint Resolution and this my Proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

And I do hereby delegate to the Secretary of State the Power of prescribing exceptions and limitations to the application of the said Joint Resolution of January 31, 1922, as made effective by this my Proclamation issued thereunder.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this fourth day of March in the year of our Lord one thousand nine hundred and twenty-[SEAL] two and of the Independence of the United States of America the one hundred and forty-sixth.

WARREN G HARDING

By the President:

HENRY P. FLETCHER

*Acting Secretary of State.*

Similar Presidential proclamations, which are still in effect, were issued on March 22, 1924, in respect of Honduras; on September 15, 1926, in respect of Nicaragua; and on June 29, 1934, in respect of Cuba.

In accordance with the authority conferred upon him in these proclamations, the Secretary of State will permit the exportation to China, Cuba, Honduras, and Nicaragua of the arms, ammunition, and implements of war listed in the President's proclamation of May 1, 1937, only when the Department of State has been informed by the Chinese Embassy in Washington, the Cuban Embassy in Washington, the Honduran Legation in Washington, or the Nicaraguan

Legation in Washington, as the case may be, that it is the desire of the government of the country into which the arms, ammunition, or implements of war are to be imported, that the exportation of the shipment be authorized.

The bringing about of notification to the Department of State through the appropriate embassy or legation that the government of an importing state desires that the exportation of a shipment be authorized is a matter with regard to which the initiative and responsibility lie with the importing government and the potential shipper.

In compliance with article II of the convention between the United States and Cuba to suppress smuggling, signed at Habana March 11, 1926, which reads in part as follows:

"The High Contracting Parties agree that clearance of shipments of merchandise by water, air, or land, from any of the ports of either country to a port of entry of the other country, shall be denied when such shipment comprises articles the importation of which is prohibited or restricted in the country to which such shipment is destined, unless in this last case there has been a compliance with the requisites demanded by the laws of both countries."

and in compliance with the laws of Cuba which restrict the importation of arms, ammunition, and implements of war of all kinds by requiring an import permit for each shipment, export licenses for shipments of arms, ammunition, and implements of war to Cuba are required for the articles enumerated below in addition to the articles enumerated in the President's proclamation of May 1, 1937:

(1) Arms and small arms using ammunition of caliber .22 or less, other than those classed as toys.

(2) Spare parts of arms and small arms of all kinds and calibers, other than those classed as toys, and of guns and machine guns.

(3) Ammunition for the arms and small arms under (1) above.

(4) Sabers, swords, and military machetes with cross-guard hilts.

(5) Explosives as follows: explosive powders of all kinds for all purposes; nitrocellulose having a nitrogen content of 12 percent or less; diphenylamine; dynamite of all kinds; nitroglycerine; alkaline nitrates (ammonium, potassium, and sodium nitrate); nitric acid; nitrobenzene (essence or oil of mirbane); sulphur; sulphuric acid; chlorate of potash; and acetones.

(6) Tear gas ( $C_6H_5COCH_2Cl$ ) and other similar nontoxic gases and apparatus designed for the storage or the projection of such gases.

The Secretary of State will permit the exportation to Cuba of the articles listed above only when the Department of State has been informed by the Cuban Embassy in Washington that it is the desire of the Cuban Government that the exportation of the shipment be authorized.

No export licenses will be issued for shipments destined to China, Cuba, Honduras, or Nicaragua of the appliances and substances



listed under category VI in the President's proclamation of May 1, 1937.

In the case of shipments of arms, ammunition, or implements of war from the United States not ostensibly destined to China, Cuba, Honduras, or Nicaragua, the Secretary of State may require exporters to present convincing evidence that they are not destined to any of those countries and may refuse to issue an export license for the same until such convincing evidence has been presented to him.

## Part VII

### SPECIAL PROVISIONS IN REGARD TO EXPORTATION TO SPAIN

A joint resolution of Congress approved January 8, 1937, reads as follows:

#### "JOINT RESOLUTION

"To Prohibit the Exportation of Arms, Ammunition, and Implements of War from the United States to Spain.

*"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That during the existence of the state of civil strife now obtaining in Spain it shall, from and after the approval of this Resolution be unlawful to export arms, ammunition, or implements of war from any place in the United States, or possessions of the United States, to Spain or to any other foreign country for transshipment to Spain or for use of either of the opposing forces in Spain. Arms, ammunition, or implements of war, the exportation of which is prohibited by this Resolution, are those enumerated in the President's Proclamation No. 2163 of April 10, 1936.

"Licenses heretofore issued under existing law for the exportation of arms, ammunition, or implements of war to Spain shall, as to all future exportations thereunder, *ipso facto* be deemed to be cancelled.

"Whoever in violation of any of the provisions of this Resolution shall export, or attempt to export, or cause to be exported either directly or indirectly, arms, ammunition, or implements of war from the United States or any of its possessions, shall be fined not more than ten thousand dollars or imprisoned not more than five years, or both.

"When in the judgment of the President the conditions described in this Resolution have ceased to exist, he shall proclaim such fact, and the provisions hereof shall thereupon cease to apply.

"Approved, January 8, 1937, at 12.30 p.m."

Section 1 of the joint resolution of Congress approved May 1, 1937, amending the joint resolution approved August 31, 1935, reads as follows:

"SECTION 1. (a) Whenever the President shall find that there exists a state of war between, or among, two or more foreign states, the President shall proclaim such fact, and it shall thereafter be unlawful to export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from any place in the United States to any belligerent state named in such proclamation, or to any neutral state for transshipment to, or for the use of, any such belligerent state.

“(b) The President shall, from time to time, by proclamation, extend such embargo upon the export of arms, ammunition, or implements of war to other states as and when they may become involved in such war.

“(c) Whenever the President shall find that a state of civil strife exists in a foreign state and that such civil strife is of a magnitude or is being conducted under such conditions that the export of arms, ammunition, or implements of war from the United States to such foreign state would threaten or endanger the peace of the United States, the President shall proclaim such fact, and it shall thereafter be unlawful to export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from any place in the United States to such foreign state, or to any neutral state for transshipment to, or for the use of, such foreign state.

“(d) The President shall, from time to time by proclamation, definitely enumerate the arms, ammunition, and implements of war, the export of which is prohibited by this section. The arms, ammunition, and implements of war so enumerated shall include those enumerated in the President’s proclamation Numbered 2163, of April 10, 1936, but shall not include raw materials or any other articles or materials not of the same general character as those enumerated in the said proclamation, and in the Convention for the Supervision of the International Trade in Arms and Ammunition and in Implements of War, signed at Geneva June 17, 1925.

“(e) Whoever, in violation of any of the provisions of this Act, shall export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from the United States shall be fined not more than \$10,000, or imprisoned not more than five years, or both, and the property, vessel, or vehicle containing the same shall be subject to the provisions of sections 1 to 8, inclusive, title 6, chapter 30, of the Act approved June 15, 1917 (40 Stat. 223-225; U. S. C., 1934 ed., title 22, secs. 238-245).

“(f) In the case of the forfeiture of any arms, ammunition, or implements of war by reason of a violation of this Act, no public or private sale shall be required; but such arms, ammunition, or implements of war shall be delivered to the Secretary of War for such use or disposal thereof as shall be approved by the President of the United States.

“(g) Whenever, in the judgment of the President, the conditions which have caused him to issue any proclamation under the authority of this section have ceased to exist, he shall revoke the same, and the provisions of this section shall thereupon cease to apply with respect to the state or states named in such proclamation, except with respect to offenses committed, or forfeitures incurred, prior to such revocation.”

Pursuant to the provisions of subsections (c) and (d) of this section, the President, on May 1, 1937, issued a proclamation as follows:

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

WHEREAS section 1 of the joint resolution of Congress approved May 1, 1937, amending the joint resolution entitled “Joint resolution providing for the prohibition of the export of arms, ammunition, and

implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war", approved August 31, 1935, as amended February 29, 1936, provides in part as follows:

"Whenever the President shall find that a state of civil strife exists in a foreign state and that such civil strife is of a magnitude or is being conducted under such conditions that the export of arms, ammunition, or implements of war from the United States to such foreign state would threaten or endanger the peace of the United States, the President shall proclaim such fact, and it shall thereafter be unlawful to export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from any place in the United States to such foreign state, or to any neutral state for transshipment to, or for the use of, such foreign state."

AND WHEREAS it is further provided by section 1 of the said joint resolution that

"The President shall, from time to time by proclamation, definitely enumerate the arms, ammunition, and implements of war, the export of which is prohibited by this section. The arms, ammunition, and implements of war so enumerated shall include those enumerated in the President's proclamation Numbered 2163, of April 10, 1936, but shall not include raw materials or any other articles or materials not of the same general character as those enumerated in the said proclamation, and in the Convention for the Supervision of the International Trade in Arms and Ammunition and in Implements of War, signed at Geneva June 17, 1925."

AND WHEREAS it is further provided by section 1 of the said joint resolution that

"Whoever, in violation of any of the provisions of this Act, shall export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from the United States shall be fined not more than \$10,000, or imprisoned not more than five years, or both, and the property, vessel, or vehicle containing the same shall be subject to the provisions of sections 1 to 8, inclusive, title 6, chapter 30, of the Act approved June 15, 1917 (40 Stat. 223-225; U. S. C., 1934 ed., title 22, secs. 238-245)."

AND WHEREAS it is further provided by section 1 of the said joint resolution that

"In the case of the forfeiture of any arms, ammunition, or implements of war by reason of a violation of this Act, no public or private sale shall be required; but such arms, ammunition, or implements of war shall be delivered to the Secretary of War for such use or disposal thereof as shall be approved by the President of the United States."



AND WHEREAS it is further provided by section 11 of the said joint resolution that

“The President may, from time to time, promulgate such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out any of the provisions of this Act; and he may exercise any power or authority conferred on him by this Act through such officer or officers, or agency or agencies, as he shall direct.”

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred on me by the said joint resolution, do hereby proclaim that a state of civil strife unhappily exists in Spain and that such civil strife is of a magnitude and is being conducted under such conditions that the export of arms, ammunition, or implements of war from the United States to Spain would threaten and endanger the peace of the United States, and I do hereby admonish all citizens of the United States, or any of its possessions, and all persons residing or being within the territory or jurisdiction of the United States, or its possessions, to abstain from every violation of the provisions of the joint resolution above set forth, hereby made effective and applicable to the export of arms, ammunition, or implements of war from any place in the United States to Spain or to any other state for transshipment to, or for the use of, Spain.

And I do hereby declare and proclaim that the articles listed below shall be considered arms, ammunition, and implements of war for the purposes of section 1 of the said joint resolution of Congress:

#### *Category I*

(1) Rifles and carbines using ammunition in excess of caliber .22, and barrels for those weapons;

(2) Machine guns, automatic or autoloading rifles, and machine pistols using ammunition in excess of caliber .22, and barrels for those weapons;

(3) Guns, howitzers, and mortars of all calibers, their mountings and barrels;

(4) Ammunition in excess of caliber .22 for the arms enumerated under (1) and (2) above, and cartridge cases or bullets for such ammunition; filled and unfilled projectiles for the arms enumerated under (3) above;

(5) Grenades, bombs, torpedoes, mines and depth charges, filled or unfilled, and apparatus for their use or discharge;

(6) Tanks, military armored vehicles, and armored trains.

#### *Category II*

Vessels of war of all kinds, including aircraft carriers and submarines, and armor plate for such vessels.

#### *Category III*

(1) Aircraft, unassembled, assembled, or dismantled, both heavier and lighter than air, which are designed, adapted, and intended for aerial combat by the use of machine guns or of artillery or for the carrying and dropping of bombs, or which are

equipped with, or which by reason of design or construction are prepared for, any of the appliances referred to in paragraph (2) below;

(2) Aerial gun mounts and frames, bomb racks, torpedo carriers, and bomb or torpedo release mechanisms.

#### *Category IV*

(1) Revolvers and automatic pistols using ammunition in excess of caliber .22;

(2) Ammunition in excess of caliber .22 for the arms enumerated under (1) above, and cartridge cases or bullets for such ammunition.

#### *Category V*

(1) Aircraft, unassembled, assembled or dismantled, both heavier and lighter than air, other than those included in Category III;

(2) Propellers or air screws, fuselages, hulls, wings, tail units, and under-carriage units;

(3) Aircraft engines, unassembled, assembled, or dismantled.

#### *Category VI*

(1) Livens projectors and flame throwers;

(2) a. Mustard gas (dichlorethyl sulphide);

b. Lewisite (chlorvinylchlorarsine and dichlorovinylchlorarsine);

c. Methylchlorarsine;

d. Diphenylchlorarsine;

e. Diphenylcyanarsine;

f. Diphenylaminechlorarsine;

g. Phenylchlorarsine;

h. Ethylchlorarsine;

i. Phenylbromarsine;

j. Ethylbromarsine;

k. Phosgene;

l. Monochloromethylchlorformate;

m. Trichloromethylchlorformate (diphosgene);

n. Dichlorodimethyl Ether;

o. Dibromodimethyl Ether;

p. Cyanogen Chloride;

q. Ethylbromacetate;

r. Ethyliodoacetate;

s. Brombenzylcyanide;

t. Bromacetone;

u. Brommethyl ethyl ketone.

*Category VII*

- (1) Propellant powders;
- (2) High explosives as follows:
  - a. Nitrocellulose having a nitrogen content of more than 12%;
  - b. Trinitrotoluene;
  - c. Trinitroxyline;
  - d. Tetryl (trinitrophenol methyl nitramine or tetranitro methylaniline);
  - e. Picric acid;
  - f. Ammonium picrate;
  - g. Trinitroanisol;
  - h. Trinitronaphthalene;
  - i. Tetranitronaphthalene;
  - j. Hexanitrodiphenylamine;
  - k. Pentaerythritetetranitrate (Penthrite or Pentrite);
  - l. Trimethylenetrinitramine (Hexogen or T<sub>4</sub>);
  - m. Potassium nitrate powders (black saltpeter powder);
  - n. Sodium nitrate powders (black soda powder);
  - o. Amatol (mixture of ammonium nitrate and trinitrotoluene);
  - p. Ammonal (mixture of ammonium nitrate, trinitrotoluene, and powdered aluminum, with or without other ingredients);
  - q. Schneiderite (mixture of ammonium nitrate and dinitronaphthalene, with or without other ingredients).

And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution, and this my proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution, as made effective by this my proclamation issued thereunder, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this first day of May, in the year of our Lord nineteen hundred and thirty-seven, and of the [SEAL] Independence of the United States of America the one hundred and sixty-first.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

No export licenses will be issued for shipments destined to Spain of any of the arms, ammunition, or implements of war enumerated in the President's proclamation of May 1, 1937.

By virtue of the power delegated to the Secretary of State by this proclamation of May 1, 1937, to promulgate such rules and regulations

not inconsistent with law as may be necessary to carry out any of the provisions of the joint resolution of Congress approved May 1, 1937, as made effective by this proclamation, the Secretary of State may require exporters of any of the arms, ammunition, or implements of war enumerated in the proclamation to present convincing evidence that they are not destined to Spain and may refuse to issue an export license for the same until such convincing evidence has been presented to him.

Section 6 of the joint resolution of Congress approved May 1, 1937, reads as follows:

"SEC. 6. (a) Whenever the President shall have issued a proclamation under the authority of section 1 of this Act, it shall thereafter be unlawful, until such proclamation is revoked, for any American vessel to carry any arms, ammunition, or implements of war to any belligerent state, or to any state wherein civil strife exists, named in such proclamation, or to any neutral state for transshipment to, or for the use of, any such belligerent state or any such state wherein civil strife exists.

"(b) Whoever, in violation of the provisions of this section, shall take, or attempt to take, or shall authorize, hire, or solicit another to take, any American vessel carrying such cargo out of port or from the jurisdiction of the United States shall be fined not more than \$10,000, or imprisoned not more than five years, or both; and, in addition, such vessel, and her tackle, apparel, furniture, and equipment, and the arms, ammunition, and implements of war on board, shall be forfeited to the United States."

Section 10 of the same joint resolution reads as follows:

"SEC. 10. Whenever the President shall have issued a proclamation under the authority of section 1, it shall thereafter be unlawful, until such proclamation is revoked, for any American vessel engaged in commerce with any belligerent state, or any state wherein civil strife exists, named in such proclamation, to be armed or to carry any armament, arms, ammunition, or implements of war, except small arms and ammunition therefor which the President may deem necessary and shall publicly designate for the preservation of discipline aboard such vessels."

Under the provisions of this section and by virtue of the power delegated to the Secretary of State by this proclamation of May 1, 1937, to promulgate such rules and regulations not inconsistent with law as may be necessary to carry out any of the provisions of the joint resolution of Congress approved May 1, 1937, the Secretary of State on May 1, 1937, announced that American vessels engaged in commerce with Spain might carry such small arms and ammunition as the masters of these vessels might deem indispensable for the preservation of discipline aboard the vessels.



## Part VIII

## SPECIAL PROVISIONS IN REGARD TO THE EXPORTATION OF TIN-PLATE SCRAP

The act of Congress approved February 15, 1936, entitled "AN ACT To provide for the protection and preservation of the domestic sources of tin" reads as follows:

*"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the interest of national defense, it is hereby declared to be the policy of Congress and the purpose and intent of this Act to protect, preserve, and develop domestic sources of tin, to restrain the depletion of domestic reserves of tin-bearing materials, and to lessen the present costly and dangerously dependent position of the United States with respect to resources of tin.*

"SEC. 2. There shall not be exported from the United States after the expiration of sixty days from the enactment of this Act any tin-plate scrap, except upon license issued by the President of the United States. The President is authorized to grant licenses upon such conditions and regulations as he may find necessary to assure in the public interest fair and equitable consideration to all producers of this commodity.

"SEC. 3. Any violations of the provisions of this Act shall be a misdemeanor and shall be punished by a fine of not more than \$500 or by imprisonment of not more than one year, or by both such fine and imprisonment."

On February 16, 1936, the President issued an Executive order as follows:

## EXECUTIVE ORDER

## TO PROVIDE FOR THE PROTECTION AND PRESERVATION OF THE DOMESTIC SOURCES OF TIN

WHEREAS section 2 of an act of Congress approved February 15, 1936, entitled "AN ACT To provide for the protection and preservation of the domestic sources of tin," provides:

"There shall not be exported from the United States after the expiration of sixty days from the enactment of this Act any tin-plate scrap, except upon license issued by the President of the United States. The President is authorized to grant licenses upon such conditions and regulations as he may find necessary to assure in the public interest fair and equitable consideration to all producers of this commodity."

NOW, THEREFORE, I, FRANKLIN DELANO ROOSEVELT, President of the United States, acting under and by virtue of the authority vested in me by the aforesaid act, do hereby delegate to the Secretary of State as Chairman of the National Munitions Control Board the power to grant licenses for the exportation of tin-plate scrap upon such conditions and under such regulations as he may find necessary to assure in the public interest fair and equitable consideration to all



producers of this commodity, and as he may prescribe by and with the advice and consent of the Board.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
February 16, 1936.

In virtue of the authority vested in him by the Executive order of February 16, 1936, the Secretary of State by and with the advice and consent of the National Munitions Control Board prescribed on December 7, 1936, the following regulations:

“(1) For the purpose of the act the term ‘tin-plate scrap’ is construed, provisionally, to mean tin-plate clippings, cuttings, stampings, trimmings, skeleton sheets, and all other miscellaneous pieces of discarded tin plate, which result from (1) the manufacture of tin plate, or (2) the manufacture of tin-bearing articles from tin plate. As thus defined, the term ‘tin-plate scrap’ does not include tin-plate waste, tin-plate circles, tin-plate strips, tin-plate cobbles, and tin-plate scroll shear butts, when packed separately and sold as such, and when not intermingled with tin-plate scrap.

“(2) Blank forms of application for export licenses similar to that printed below will be furnished by the Secretary of State on request.

DEPARTMENT OF STATE

## United States of America

### APPLICATION FOR LICENSE TO EXPORT TIN-PLATE SCRAP

(Application to be made in duplicate) ORIGINAL

(Insert here name of country of destination)	LICENSE NO. _____ (For official use only)
--	--

#### GENERAL INSTRUCTIONS

- One duplicate application should be made for each complete shipment to any one consignee.
- Applications should be typewritten, with the exception of signature which should be written in ink.
- Where exact number of packages, weight, and value cannot be ascertained at the time of application, estimates should be given. Slight variations may be allowed.
- Unsigned applications or applications which omit essential information called for in the numbered spaces will be returned.
- Any attempt to export a commodity differing in any way from that licensed, or any alteration of a license in an attempt to export without a license, is punishable under appropriate acts of Congress.
- When countersigned and impressed with the seal of the Department of State, this application becomes a license.

DEPARTMENT OF STATE,  
Washington, D. C.

(1) Date of application.....  
(2) Applicant's Reference No.....

The undersigned hereby applies for license to export the commodity described below and warrants the truth of all statements and answers herewith regarding it.

(3) Name of applicant ..... By .....  
(Signature)  
.....  
(Title)

(4) Consignee in foreign country---{Name.....Nationality.....  
 {Address: Street.....State or province.....  
 {City.....Country.....  
 (5) Purchaser in foreign country---{Name.....Nationality.....  
 {Address: Street.....State or province.....  
 {City.....Country.....

(6) Character of tin-plate scrap to be exported	(7) Number and type of containers	(8) Approximate weight	(9) Approximate value

(10) The tin-plate scrap to be exported under this license was produced by:

-----  
 (Name) (Address)

(11) State the specific purpose for which the material is required:

(12) State the reason or reasons why the applicant wishes to export the tin-plate scrap referred to in this application rather than to sell it in the United States:

-----  
 (13) License to be sent to-----{Name.....City.....State.....  
 {Address: Street.....Nationality.....  
 (14) Consignor in United States---{Name.....City.....State.....  
 {Address: Street.....  
 {Nature of business.....

If partial shipments are made on this license, endorsements by the collectors of customs will be made below.



## Part IX

## SPECIAL PROVISIONS IN REGARD TO THE EXPORTATION OF HELIUM GAS

Section 3 of the act of September 1, 1937 (50 Stat. 885), entitled "AN ACT Authorizing the conservation, production, exploitation, and sale of helium gas, a mineral resource pertaining to the national defense and to the development of commercial aeronautics, authorizing the acquisition, by purchase or otherwise, by the United States of properties for the production of helium gas, and for other purposes," provides in part as follows:

"(b) That helium not needed for Government use may be produced and sold upon payment in advance in quantities and under regulations approved by the President, for medical, scientific, and commercial use, except that helium may be sold for the inflation of only such airships as operate in or between the United States and its Territories and possessions, or between the United States or its territories and possessions and foreign countries: *Provided*, That no helium shall be sold for the inflation of any airship operating between two foreign countries notwithstanding such airship may also touch at some point in the United States . . ."

Section 4 of the act provides as follows:

"SEC. 4. No helium gas shall be exported from the United States, or from its Territories and possessions, until after application has been made to the Secretary of State and a license authorizing said exportation has been obtained from him on the joint recommendation of all of the members of the National Munitions Control Board and the Secretary of the Interior: *Provided*, That under regulations governing exportation of helium approved by the National Munitions Control Board and the Secretary of the Interior, export shipments of quantities of helium that are not of military importance as defined in said regulations, and which do not exceed a maximum to be specified therein, may be made under license granted by the Secretary of State without such specific recommendation. Such regulations shall not permit accumulations of helium in quantities of military importance in any foreign country, nor the exportation of helium to countries named in proclamations of the President issued pursuant to section 1 (a) or (c) of the Neutrality Act of May 1, 1937 (Public Resolution Numbered 27 of the Seventy-fifth Congress) while such proclamations are in effect, and shall require exporters to submit a sworn statement to the Secretary of State showing the quantity, destination, consignee, and intended use of each proposed exportation.

"Any person violating any of the provisions of this section or of the regulations made pursuant hereto, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment; and the Federal courts of the United States are hereby granted jurisdiction to try and determine all questions arising under this section.



"The National Munitions Control Board shall include in its Annual Report to the Congress full information concerning the licenses issued hereunder, together with such information and data collected by the Board as may be considered of value in the determination of questions related to the exportation of helium gas."

Under the authority of the afore-mentioned provisions of law and in pursuance thereof, the Secretary of State on September 3, 1937, prescribed and promulgated, with the approval of the National Munitions Control Board and the Secretary of the Interior, the following regulations governing the export of helium gas:

"(1) Wherever the word helium is used in these regulations, it shall be understood to mean 'contained helium' at standard atmospheric pressure (14.7 pounds per square inch) and 70° Fahrenheit. The expression 'contained helium' means the actual quantity of the element helium (i. e. 100 percent pure helium) present in a mixture of helium and other gases. Purity determinations shall be made by usually recognized methods.

"(2) Applications for license to export helium gas shall be submitted to the Secretary of State on forms similar to that printed below, copies of which will be furnished by the Secretary of State on request. Each application must be signed and sworn to in the presence of a notary public before it is transmitted to the Secretary of State. All applications must be submitted in duplicate.

---

DEPARTMENT OF STATE

**United States of America**

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**APPLICATION FOR LICENSE TO EXPORT HELIUM GAS**

*(Application to be made in duplicate)*

**ORIGINAL**

<p>-----</p> <p>(Insert here name of country of destination)</p>	<p>-----</p> <p>(For official use only)</p>
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**GENERAL INSTRUCTIONS**

- (a) One duplicate application should be made for each complete shipment to any one consignee.
- (b) Applications should be typewritten, with the exception of signature which should be written in ink.
- (c) Where exact number of containers, weight, and value cannot be ascertained at the time of application, estimates should be given. Slight variations may be allowed.
- (d) Shipments should be described in terms of cubic feet.
- (e) Applications not executed under oath, unsigned applications, and applications which omit essential information requested in the numbered spaces will be returned.
- (f) Any attempt to export a commodity differing in any way from that licensed, or any alteration of a license in an attempt to export without a license, is punishable under appropriate acts of Congress.
- (g) When countersigned and impressed with the seal of the Department of State, this application becomes a license.

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DEPARTMENT OF STATE,  
Washington, D. C.

(1) Date of application.....  
(2) Applicant's reference No.....

The undersigned hereby applies for license to export the commodity described below and swears to (affirms) the truth of all statements and answers herein set forth.

(3) Name of applicant.....  
Address.....

(4) Consignee in foreign country----- {Name----- Nationality-----  
 {Address {Street----- {State or province-----  
 {City----- {Country-----  
 (5) Purchaser in foreign country----- {Name----- Nationality-----  
 {Address {Street----- {State or province-----  
 {City----- {Country-----

(6) Quantity of helium gas to be exported	(7) Number and type of containers	(8) Approximate weight	(9) Approximate value
(100% helium at 14.7 pounds; 70° F.)			

(10) State fully the specific purpose for which the helium gas is required: -----  
 -----  
 -----  
 -----  
 -----

(11) License to be sent to----- {Name-----  
 {Address: Street----- City----- State-----  
 (12) Consignor in United States----- {Name----- Nationality-----  
 {Address: Street----- City----- State-----

-----  
 (Signature of applicant)  
 (If the applicant is a partnership, company, association, or corporation, the signature shall be that of its duly authorized representative.)

Subscribed and sworn to before me at -----  
 this ----- day of -----, 19-----  
 [SEAL]

-----  
 Notary Public



been adopted to insure that there shall be no unnecessary waste of the helium gas desired.

"(5) Succeeding applications for license to export helium gas shall be accompanied by information indicating the manner of disposal of the helium gas obtained under licenses preceding that applied for.

"(6) Licenses authorizing the exportation of helium gas for use in commercial or scientific aircraft operations and in quantities considered by the National Munitions Control Board and the Secretary of the Interior not to be of military importance will be issued by the Secretary of State under allotments to exporters which, on the joint recommendation of the Board and the Secretary of the Interior, will be granted for a period of not to exceed one year.

"Requests for allotments under paragraph (6) hereof shall be submitted to the Secretary of State in the form of an affidavit, subscribed and sworn to before a notary public. Such requests shall identify and describe the aircraft for use in which the helium gas is intended and shall include, for the consideration of the National Munitions Control Board and the Secretary of the Interior, full information in regard to the proposed schedule of operations of the aircraft for the period to which the allotments are to apply. Requests for allotments shall also be accompanied by evidence showing that reasonable safeguards have been adopted to insure that there shall be no unnecessary waste of the helium gas desired and evidence to rebut the presumption that the quantity stated therein should be considered of military importance. An estimate of the rate at which the helium gas is to be exported shall be included in all requests for allotments.

"(8) Succeeding requests for allotments under paragraphs (6) and (7) hereof shall indicate the manner of disposal of the helium gas obtained under the allotment preceding that requested.

"(9) Applications for license to export helium gas under allotments in accordance with the provisions of paragraphs (6) and (7) hereof shall be made to the Secretary of State and shall include information which will adequately identify the aircraft for use in which the helium gas is intended. Such identification shall be the same as that used in the request for the allotment under which application is being made.

"Helium gas leaving the United States when used for or intended for the inflation of an aircraft will not be considered as exported within the meaning of section 4 of the act when it is the intention of the owner of the aircraft that it shall remain under American registry and shall be commanded by a duly certificated United States airman during the entire period of its sojourn abroad, and when there is no intention on the part of the owner of the aircraft to dispose of the helium gas in any foreign country.

"(11) The shipper's export declaration (customs form 7525) or such other document as the Bureau of Customs may require must contain the same information in regard to the quantity and value of the helium gas as that which appears on the application for license.

"(12) Export licenses and export declarations, or other documents required by the Bureau of Customs, concerning helium gas must be filed with the appropriate collector of customs at least 24 hours before the proposed departure of the shipment from the United States, and, in the case of a shipment by a seagoing vessel, 24 hours before the lading of the helium gas."

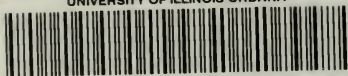








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